



Entered on Docket
October 27, 2009

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

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Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

ORDER SUSTAINING TWENTY-FIRST OMNIBUS OBJECTION OF THE USACM LIQUIDATING TRUST TO PROOFS OF CLAIM FOR LACK OF DOCUMENTATION AS TO CLAIM NO. 10725-01301 FILED BY NORMAN & CARYN KIVEN JOINT TENANTS ONLY

Hearing Date: October 19, 2009

Hearing Time: 3:00 p.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the "Twenty-First Omnibus Objection of the USACM
2 Liquidating Trust to Proofs of Claim for Lack of Documentation" [Docket No. 7258] (the
3 "Objection"); with appropriate notice of the Objection having been given at the hearing
4 held on August 21, 2009.

5 On October 19, 2009, the continued hearing on the objection as to Claim number
6 10725-01301 filed by Norman & Caryn Kiven Joint Tenants, came before the Court, no
7 response having been filed by Kiven, and good cause appearing,

8 **IT IS ORDERED** that the Objection to claim number 10725-01301 filed by
9 Norman & Caryn Kiven Joint Tenants, is sustained and the claim is disallowed in its
10 entirety.

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12 PREPARED AND RESPECTFULLY SUBMITTED BY:

13

14 **LEWIS AND ROCA LLP**

15 By /s/ John Hinderaker (AZ 018024)

16 Rob Charles
17 John Hinderaker (*pro hac vice*)
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1 In accordance with Local Rule 9021, the undersigned certifies:

- 2 The Court waived the requirements of LR 9021.
- 3 No parties appeared or filed written objections, and there is no trustee appointed
- 4 in this case.
- 5 I have delivered a copy of this proposed order to all counsel who appeared at the
- 6 hearing, any unrepresented parties who appeared at the hearing, and any trustee
- 7 appointed in this case, and each has approved or disapproved the order, or failed
- to respond, as indicated below (list each party and whether the party has
- approved, disapproved, or failed to respond to the document):

8 U.S. Trustee: August Landis		
9 <input type="checkbox"/> approved the form of this order	10 <input type="checkbox"/> disapproved the form of this order	
10 <input checked="" type="checkbox"/> waived the right to review the order 11 and/or	12 <input type="checkbox"/> failed to respond to the document	
13 Other Party:		
14 <input type="checkbox"/> approved the form of this order	15 <input type="checkbox"/> disapproved the form of this order	
16 <input type="checkbox"/> waived the right to review the order 17 and/or	18 <input type="checkbox"/> failed to respond to the document	

19 ####

20 Submitted by:

21 **LEWIS AND ROCA LLP**

22 By: /s/ John Hinderaker (AZ 018024)
23 Rob Charles
24 John Hinderaker (*pro hac vice*)
25 Attorneys for USACM Liquidating Trust